

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

- 1. Name of Board, Committee or Council:** Board of Podiatric Medical Examiners
- 2. Rulemaking hearing date:** December 19, 2006
- 3. Types of small businesses that will be directly affected by the proposed rules:**

Amendment to 1155-2-.08 Examinations

- (a) Podiatrists who are licensed in other states, and are seeking licensure in Tennessee, and whose examination scores are over five (5) years old; and
- (b) Podiatric and medical practices that employ podiatrists.

Amendment to 1155-2-.12 Continuing Education

- (a) Podiatrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and
- (b) Podiatric and medical practices who employ podiatrists; and
- (c) Continuing education course providers; and
- (d) Independently owned pharmacies.

- 4. Types of small businesses that will bear the cost of the proposed rules:**

Amendment to 1155-2-.08 Examinations

- (a) Podiatrists who are licensed in other states, and are seeking licensure in Tennessee, and whose examination scores are over five (5) years old; and
- (b) Podiatric and medical practices that employ podiatrists.

Amendment to 1155-2-.12 Continuing Education

- (a) Short term
 - I. Podiatrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and

- II. Podiatric and medical practices that pay for the continuing education of the podiatrists whom they employ; and
- III. Independently owned pharmacies.

(b) Long term

The Board anticipates the proposed rule amendment will reduce, rather than increase, small business expenses for:

- I. Podiatrists who practice as sole proprietors, or as members of a partnership or limited liability company, or as shareholders in a professional corporation; and
- II. Podiatric and medical practices that employ podiatrists.

(c) Continuing education course providers will have routine course development and presentations costs but will also have routine revenue coming from course registration fees.

5. Types of small businesses that will directly benefit from the proposed rules:

Amendment to 1155-2-.08 Examinations

Long term – Podiatric and medical practices that employ podiatrists.

Amendment to 1155-2-.12 Continuing Education

(a) Short term

Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.

(b) Long term

- I. Podiatrists and podiatric or medical practices who employ podiatrists will realize the benefits of improved patient care as a result of having obtained knowledge of current prescribing practices, including possible efficiency improvements, reduced insurance costs, a lower probability of licensure or peer review discipline and a reduction in malpractice awards, judgments and settlements; and
- II. Continuing education course providers whose course registration revenues exceed their course development and presentation expenses.

6. Description of how small business will be adversely impacted by the proposed rules:

Amendment to 1155-2-.08 Examinations

Some podiatrists who are licensed in other states, and are seeking licensure in Tennessee and whose examination scores are over five (5) years old may have to take additional examinations or may not be able to obtain licensure in Tennessee. Also, podiatric and medical practices that employ podiatrists may have a smaller pool of qualified practitioners from which to select an employee or partner.

Amendment to 1155-2-.12 Continuing Education

- (a) Podiatrists and podiatric or medical practices who pay for the continuing education of the podiatrists whom they employ may have to pay higher registration fees to find a course that will meet the proposed rule's requirements. Also, because of the way continuing education is offered, some podiatrists will end up completing an additional hour of continuing education instead of making the prescribing course part of the existing fifteen (15) hour requirement; and
- (b) Continuing education course providers whose course registration revenues are less than their course development and presentation expenses will realize a loss from the course; and
- (c) Independently owned pharmacies may see a reduction in business if fewer prescriptions are filled as a result of improved prescribing practices.

7. Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:

Amendment to 1155-2-.08 Examinations

It would be less burdensome to not promulgate this rule amendment, but the Board's confidence in the competence of reciprocity applicants would be diminished.

Amendment to 1155-2-.12 Continuing Education

The Board is concerned with Tennessee's history of excessive drug prescribing and drug consumption, and therefore does not believe there are less burdensome alternatives. Continuing education will not guarantee that a licensee learns or retains knowledge but the Board is not aware of any less burdensome alternative that holds similar promise and potential.

8. Comparison of the proposed rule with federal or state counterparts:

Amendment to 1155-2-.08 Examinations

Federal The Board is not aware of any federal counterparts.

State The proposed rule amendment is similar to time limits on exam scores established by the Board of Dentistry, the Board of Medical Examiners, and the Board of Dispensing Opticians.

Amendment to 1155-2-.12 Continuing Education

Federal The Board is not aware of any federal counterparts.

State The proposed rule amendment is similar to various continuing education category requirements for fifteen (15) of the health-related licensing boards, committees, and councils. Also, the Board presently has a requirement that twelve (12) hours of its fifteen (15) hour annual continuing education requirement pertain to clinical, scientific, or related to patient care. If the licensee is performing ankle surgery pursuant ten (10) of those twelve (12) hours shall pertain to the ankle surgery.